

Township of South Frontenac

By-Law No. 2024-01

A By-law to Regulate Trailer Usage in the Township of South Frontenac

Whereas the Corporation of the Township of South Frontenac wishes to regulate the use and storage of trailers within the Municipality; and

Whereas existing licenced trailers that remained in good standing with By-law 2004-93, As Amended within the Municipality will continue to be licenced through this By-law; and

Whereas the *Municipal Act*, S.O. 2001, Section 164 authorizes a municipality to pass by-laws to prohibit or licence trailers located in the municipality; and

Whereas, Subsection 425(1) of the *Municipal Act*, 2001 provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act*, 2001 is guilty of an offence; and

Whereas Subsection 434.1(1) of the *Municipal Act* provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*, 2001;

Therefore Be It Resolved That the Council of the Corporation of the Township of South Frontenac hereby enacts as follows:

Section 1: Definitions

1.1 In this By-law:

“Administrative Monetary Penalty” means a fine administered pursuant to the Administrative Monetary Penalties By-Law;

“Administrative Monetary Penalties By-Law” means the Corporation of the Township of South Frontenac By-Law Number 2022-70, “A By-Law to Impose Administrative Monetary Penalties on Violations of Municipal By-Laws”, as amended or replaced from time to time;

“Council” means the Council of the Corporation of the Township of South Frontenac;

“Municipality” means the Corporation of the Township of South Frontenac;

“Municipal By-law Enforcement Officer” means a person, company or organization appointed by the municipality for the purpose of municipal law enforcement including, but not limited to a Building Inspector, By-law Enforcement Officer or a person assigned and authorized by Council with the responsibility for enforcing and administering this By-law.

“Mobile Home” means any dwelling that is designed to be made mobile and is constructed or manufactured in accordance with CSA standards for mobile homes to provide a permanent residence for one or more persons, but does not include a park model trailer or travel trailer.

“Park Model Trailer” means a trailer built on a single chassis mounted on wheels, intended for a permanent or semi-permanent installation and used as a residence in accordance with the Zoning By-Law, as amended.

“Person” means an individual, a corporation, association or a partnership, as applicable.

“Property” means a parcel of land and any buildings or other structures on the land.

“Stored Trailer” means any trailer, mobile home or park model trailer located on a property only for the purpose of sale or storage but shall not include any trailer being used at any time for living, sleeping or eating accommodations of persons while located on the property.

“Temporary Living Accommodations Agreement” means an agreement entered into by a person and the Township of South Frontenac to temporarily have a trailer on their property for the purposes of sleeping, living and eating while constructing a residence and which shall be used until occupancy is granted or the building permit is closed, whichever comes first.

“Trailer” means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by a person for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed. It shall also include a motorized vehicle or trailer that includes living quarters designed for accommodation, tent trailers, mobile homes, park model trailers, commercial or industrial trailers and utility trailers.

“Trailer, Commercial or Industrial” means any trailer that is used or could be used for a commercial or industrial business such as dry van and enclosed trailers, whether attached to the tractor cab or not, standard flatbed trailers 24 feet in length or more, refrigerated trailers (reefers), drop deck / step-deck trailers, double drop / lowboy trailers, removable gooseneck trailers 24 feet in length or more, tanker trailers such as those that carry liquids and similar trailers.

“Trailer Licence or Licensed Trailer” means a licence for a trailer that was granted by the Municipality prior to the conclusion of 2005 that has been kept in good

standing under the predecessor to this By-law for a trailer that has not been replaced following 2005.

“Trailer, Utility” means any vehicle constructed to be attached and propelled by a motor vehicle that is capable of hauling items, goods or refuse. A utility trailer shall include but is not limited to a watercraft trailer, landscaping trailer, ATV or snowmobile trailer, or similar trailer.

“Yard, Front” shall be defined as per the Zoning By-law.

“Yard, Rear” shall be defined as per the Zoning By-law.

Yard, Interior Side” shall be defined as per the Zoning By-law.

“Zoning By-law” means a by-law passed under Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended or replaced from time to time, that restricts the use of land within the Township.

Section 2: Application

- 2.1 Except as otherwise provided, this By-Law applies to all trailers, persons and owners within the geographic boundaries of the Corporation of the Township of South Frontenac;
- 2.2 Every owner of property and every officer or director of a corporation that owns property within the Township of South Frontenac has a duty to take all reasonable care to prevent occupants and users of their property from breaching the provisions of this By-law;
 - a. Every person who has a duty under this section and who fails to carry out that duty is guilty of an offence.
 - b. A director or officer of a corporation is liable to a conviction under this section whether or not the corporation has been prosecuted or convicted.

Section 3: Administration

- 3.1 The Clerk’s Department is responsible for the administration and enforcement of this By-Law.

Section 4: Trailer Keeping Regulations

- 4.1 No person shall use and / or keep a trailer on any property within the Municipality with the following exceptions:
 - a. in accordance with this By-law;
 - b. if the use is a permitted use under the Comprehensive Zoning By-Law No. 2003-75 or its successor; or
 - c. in accordance with the terms of a license issued pursuant to this By-law.
- 4.2 The following regulations apply to the keeping of all types of trailers on all properties in the Municipality:
 - a. The keeping of a stored trailer, or utility trailer shall only be permitted on properties zoned to permit residential use where the property contains a dwelling, or on properties zoned for commercial or industrial use where the property has a primary use established as defined by the Zoning By-law.
 - b. Properties shall not keep more than three (3) stored trailers or utility trailers in the front yard. There shall be no limit regarding the maximum number of trailers that may be located in the interior side yard or rear yard.
 - c. Stored trailers or utility trailers exceeding 24 feet in length shall not be kept in the front yard of a property for a period exceeding 21 days and shall not be stored in the front yard for more than a combined total of 42 days annually.
 - d. Commercial or industrial trailers shall only be kept on a property zoned for commercial or industrial use in accordance with the Zoning By-law. In all other zones no more than two (2) commercial or industrial trailers may be kept on a property and of those, only one (1) commercial or industrial trailer is permitted to be located in the front yard of the property, the other must be located in the interior side yard or rear yard of the property.
 - e. No trailer shall be kept on any part of the municipal road allowance, or where the trailer is likely to impact sight lines.

- f. No trailer shall be permitted to be located or stored within 30 metres of any wetland, waterbody or water course.
 - g. No trailer containing waste, refuse or debris shall be stored and open to view from a municipal road, private lane, or adjacent property and shall not be kept on the property for more than 21 calendar days.
- 4.3 No person shall use and / or store a trailer on Municipal property; unless the person has received approval by either Council, the Clerk or Director of Public Services.

Section 5: Licence and Agreement Procedures:

- 5.1 Despite section 4.1, a person may use a trailer for the purposes of temporary habitation only in accordance with the following:
- a. i. Where a trailer was legally placed on a property prior to the date of the implementation of the Zoning By-law of each former Township as set out below, the trailer may continue to be occupied for purposes of temporary habitation provided the owner of the property obtains a licence for the trailer. The dates of implementation for each District are:
 - Portland By-law #12-78 – November 7, 1978
 - Bedford By-law #14-1983 – September 27, 1983
 - Loughborough By-law # 82-8 – June 7, 1982
 - Storrington By-law # 87-04 – January 5, 1987; and
 - ii. Where a trailer has been legally located on a property prior to the date of the implementation of the Zoning By-law of each former Townships as set out in paragraph 5.1. (a. i.), a licence has been issued and kept in good standing for the trailer, and the licenced trailer has not been replaced after 2005.
 - b. The owner of the property shall ensure that the licence is kept in good standing.
 - c. The Clerk's Department has delegated the authority to administer the issuance of the license and the collection of the annual license fee of \$400.00 to the Treasury Department.
 - d. Any trailer for which a licence was obtained under a predecessor By-law, but is neither the original trailer that was located on the property prior to the date of the implementation of the Zoning By-law of each

former townships or was replaced after 2005, as set out in section 5.1 above, is prohibited.

- e. Licensed trailers that are removed for any reason cannot be replaced by another trailer. No additional licences are to be granted as it is understood that as the original trailers reach the end of their useful life they will cease to exist.
- f. A person may live, sleep and eat in a trailer on an active building site where a valid building permit has been issued by the Municipality under the Ontario Building Code, and the trailer is necessary for the owners to reside in during construction and the owner has entered into a Temporary Living Accommodations Agreement with the Township of South Frontenac.
- g. Every property that has a trailer located thereon which has been issued a licence will be subject to an annual inspection by Township staff or Municipal By-law Enforcement Officer to ensure compliance with this By-law, the Trailer Licence, the Safe Properties By-law, Zoning By-law and *Ontario Building Code Act*.
- h. If at any time the Municipality has reasonable grounds to believe that the holder of a Trailer Licence or Temporary Living Accommodations Agreement is not complying with the Safe Properties By-law, Zoning By-law and *Ontario Building Code Act*, the Clerk's Department may suspend or revoke the licence.
- i. The Clerk's Department may impose such terms or conditions on a licence or Temporary Living Accommodations Agreement as the Clerk's Department consider appropriate.

Section 6: Obstruction

- 6.1 No person shall obstruct or hinder or attempt to obstruct or hinder a Municipal By-Law Enforcement Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this By-law.
- 6.2 Where a Municipal By-Law Enforcement Officer has reasonable grounds to believe that an offence under this By-law has been or is being committed on a Property, the Municipal By-Law Enforcement Officer and any authorized employee or agent of the Township of South Frontenac may enter the Property at any reasonable time for the purpose of carrying out an inspection to determine whether this By-law is being complied with.

- 6.3 For the purposes of an inspection under section 6.2, a Municipal By-law Enforcement Officer may:
- a. require the production for inspection of documents or things relevant to the inspection;
 - b. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c. require the name, address and proof of identity from any person concerning a matter related to the inspection; and
 - d. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 6.4 Without limiting the generality of section 6.1, failure to provide proof of identification satisfactory to the Municipal By-law Enforcement Officer when requested to do so pursuant to Subsection 6.3 of this By-law shall constitute obstruction of a Municipal By-law Enforcement Officer under Section 6.1 for the purposes of the inspection.
- 6.5 Despite section 6.2, a Municipal By-law Enforcement Officer shall not enter or remain in any room or place actually being used as a Dwelling except in accordance with section 437 of the *Municipal Act, 2001*.

Section 7: Offence and Penalty Provisions

- 7.1 Every Person who contravenes any provision of this By-law is guilty of an offence, and all offences under this By-law are designated as continuing offences.
- 7.2 A person who is convicted of a first offence under this By-law is liable, for each day or part of a day that the offence continues to a maximum fine of no more than \$5,000. The total of all daily fines imposed for the continuing offence may exceed \$100,000.
- 7.3 A person who is convicted of a second or subsequent offence under this By-law is liable, for each day that the second or subsequent offence continues, to a maximum fine of no more than \$10,000. The total of all daily fines imposed for the second or subsequent continuing offence may exceed \$100,000.

- 7.4 Every Person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice, be liable to pay to the Township of South Frontenac an Administrative Monetary Penalty, and the Administrative Monetary Penalty By-law applies to each Administrative Monetary Penalty issued pursuant to this By-law.
- 7.5 If a Person is required to pay an Administrative Monetary Penalty under Section 7.4 in respect of a contravention of this By-law, the Person shall not be charged with an offence in respect of the same contravention.
- 7.6 The Treasurer may add unpaid fees, charges and / or fines issued under this By-law to the tax roll and collect them in the same manner as property taxes.
- 7.7 If this By-law is contravened and a conviction entered, the court in which the conviction was entered or any court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

Section 8: Validity

- 8.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

Section 9: Short Title of By-Law

- 9.1 This By-Law may be sited as the "Trailer Regulation By-Law"

Section 10: Commencement

- 10.1 This By-law shall come into force and take effect on the date of its passage.
- 10.2 By-law 2004-93, As Amended and any other by-law, policies, practices or parts thereof conflicting with this By-law be repealed.

Read a first and second time this 9 day of January 2024.

Read a third time and finally passed this 9 day of January 2024.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**

Ron Vandewal, Mayor

James Thompson, Clerk